

City of Corunna
Regular Council Meeting
Monday, December 19, 2005

Present: Corey, Mehigh, Jessen, Spring, Johnson, Wagner, Hall.

Absent: None.

Guests: Joe Sawyer, City Manager; Janet Washburn, Parks & Recreation Director; Judy Horton; Merilee Lawson, Assessor/Planner; Helen Granger, The Independent; Gary Granger; Doug Powell, Sheriff Department; Frank & Dawn Rodriguez; Sheriff Jon Wilson, Sheriff Department; Brent & Scott Perrin, Perrin Construction; Margaret McAvoy, County Coordinator; Cheryl Warren, The Argus Press; Jerry Walden, County Commissioner; Phil Heavilin; and other concerned citizens.

The meeting was called to order in the City Council Chambers by Mayor Corey at 7:00 p.m.

MINUTES OF THE PREVIOUS REGULAR MEETING: Mehigh moved, Wagner seconded to approve the previous regular meeting minutes dated December 5, 2005 as presented
Roll call vote:

Yes: Jessen, Spring, Hall, Mehigh.

No: None.

Abstain: Johnson, Wagner.

Motion CARRIED

AGENDA APPROVAL: Johnson moved, Wagner seconded to accept the agenda as presented with the addition of Item No. 11) Consider POLC MERS Resolution 121905-01.

Roll call vote:

Yes: Spring, Johnson, Wagner, Hall, Mehigh, Jessen.

No: None.

Motion CARRIED

APPROVAL OF VENDOR DISBURSEMENTS: Johnson moved, Wagner seconded to approve the vendor disbursements dated December 2, 2005 as presented.

Roll call vote:

Yes: Johnson, Wagner, Hall, Mehigh, Jessen, Spring.

No: None.

Motion CARRIED

FOURTH OF JULY COMMISSION 2006 RAFFLE INITIATION: Dawn Rodriguez advised the Fourth of July Commission would be holding a raffle again this year. The tickets are \$20.00 and only 500 tickets will be sold. She further advised there will be five \$100 drawings beginning the week of March 10 at Steve's Place at 6:30 p.m. for five weeks. On the sixth week, a drawing for \$5,000 will be held if all of the tickets are sold but it will revert to a 50/50 drawing if all of the tickets are not sold. She also advised tickets will be available at city hall, River Rock Music, Simplified Accounting and from Fourth of July

Commission members. Ms. Rodriguez asked Mayor Corey if he wanted to purchase a ticket, which he did.

CONSIDER APPOINTMENT OF JONIE MITTS TO THE ZONING BOARD OF APPEALS:

Johnson moved, Mehigh seconded to appoint Jonie Mitts to the Zoning Board of Appeals effective immediately to serve at the pleasure of the council for an indefinite term.

Roll call vote:

Yes: Wagner, Hall, Mehigh, Jessen, Spring, Johnson.

No: None.

Motion CARRIED

CONSIDER APPOINTMENT OF ROBERT HOSCHNER TO THE DOWNTOWN

DEVELOPMENT AUTHORITY: Johnson moved, Wagner seconded to appoint Robert Hoschner to the Downtown Development Authority effective immediately for a term to expire on December 31, 2009.

Roll call vote:

Yes: Wagner, Hall, Mehigh, Jessen, Spring, Johnson.

No: None.

Motion CARRIED

CONSIDER APPOINTMENT OF ROBERT BUSCHMAN TO THE BOARD OF REVIEW:

Wagner moved, Johnson seconded to appoint Robert Buschman to the Board of Review effective immediately for a term to expire on December 31, 2008.

Roll call vote:

Yes: Jessen, Johnson, Wagner, Mehigh, Hall, Spring.

No: None.

Motion CARRIED

CONSIDER MDOT PERFORMANCE RESOLUTION #121905-02 moved, Wagner seconded to approve the following MDOT Performance Resolution #121905-02 as presented:

PERFORMANCE RESOLUTION #121905-02
FOR GOVERNMENTAL BODIES

RESOLVED WHEREAS, the City of Corunna hereinafter referred to as the "GOVERNMENTAL BODY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL BODY agrees that:

Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law.

This Agreement is not intended to increase either party's liability for, or immunity from, tort claims.

This Agreement is not intended nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

1. Any work performed for the GOVERNMENTAL BODY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL BODY and not as a contractor or agent of the DEPARTMENT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL BODY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.
2. The GOVERNMENTAL BODY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
3. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL BODY'S facilities according to a PERMIT issued by the DEPARTMENT.
4. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL BODY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

5. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
6. This resolution shall continue in force from this date until cancelled by the GOVERNMENTA BODY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL BODY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within state trunkline right of way on behalf of the GOVERNMENTAL BODY.

<u>Name</u>	<u>And/or</u>	<u>Title</u>
Tim Crawford	Superintendent of Public works	
Joe Sawyer	City Manager	

Roll call vote:

Yes: Hall, Jessen, Wagner, Spring, Mehigh, Johnson.

No: None.

Motion CARRIED

CONSIDER PROPOSALS FOR PUBLICATION: Mr. Sawyer advised the previous rate that was bid out on April 17, 2003 was \$3.00 per column inch. The Independent has provided a proposal for \$2.90 per column inch and the Argus Press has lowered their rate to \$2.00 per column inch, which is a great quote, and based on those economics, it would be his recommendation to accept the bid from the Argus Press. Councilperson Spring asked if the contract was for two years. Mr. Sawyer advised the city did not ask for a time frame but he would add to the motion that it is for up to two years or until the rates change. Councilperson Jessen advised the Argus Press bid was for two years. Wagner moved, Jessen seconded to award the publication contract to the Argus Press for a two-year period.

Roll call vote:

Yes: Hall, Wagner, Mehigh, Jessen, Spring, Johnson.

No: None.

Motion CARRIED

CONSIDER MAYOR REQUEST FOR MEETING EXCUSALS: Johnson moved, Wagner seconded to excuse the mayor from his meetings and duties for the dates of January 17, 2006, February 6, 2006, February 21, 2006 and March 6, 2006.

Roll call vote:

Yes: Mehigh, Jessen, Spring, Hall, Johnson, Wagner.

No: None.

Motion CARRIED

CONSIDER DISCHARGE OF TODD BREWER FROM THE CORUNNA PARKS AND

RECREATION COMMISSION: Wagner moved, Johnson seconded to discharge Todd

Brewer from the Corunna Parks and Recreation Commission effective immediately.

Roll call vote:

Yes: Spring, Mehigh, Jessen, Johnson, Wagner, Hall.

No: None.

Motion CARRIED

CONSIDER APPOINTMENT OF CAROL SPANIOLA TO THE CORUNNA PARKS AND

RECREATION COMMISSION: Wagner moved, Spaniola seconded to appoint Carol Spaniola to the Corunna Parks and Recreation Commission effective immediately to serve at the pleasure of the council for an indefinite term.

Roll call vote:

Yes: Hall, Mehigh, Jessen, Spring, Johnson, Wagner.

No: None.

Motion CARRIED

CONSIDER SHIAWASSEE COUNTY FENCING SITE PLAN FOR COUNTY JAIL:

Councilperson Johnson asked why the site plan did not go to the planning commission. Mayor Corey advised under the ordinance the fencing issue goes to the council for approval. Mr. Sawyer advised if there was a building site plan, the county would have to go to the planning commission. Mayor Corey stated the planning commission does not have too much jurisdiction over what a fence will look like but the city council does. Merilee Lawson went over the county fencing plan. There are no height restrictions unless the council wants to put restrictions on. Ms. Lawson advised the county is trying to satisfy security issues involving the courthouse, county jail and district court building. The proposal is to create a gated community around the parking area, which will be secure and there will be a pass gate to allow vehicles in and out of the area on a regulated basis. She further advised the proposal is to erect a seven foot black vinyl coated chain link fence, which should satisfy the security issues the county has. Margaret McAvoy, County Coordinator, advised the security issue is an issue for everyone in public service but the county has struggled for years with its security issues. The county has a jail located in downtown Corunna that it is responsible for and houses between 150 to 170 people per day. She further advised the inmates are moved back and forth between the court buildings for arraignment and trials and it is the county's responsibility to make sure everyone is secure. She introduced Commission Jerry Walden, Sheriff Jon Wilson, Lt. Mike TerMeer, who is in charge of Homeland Security, Lt. Doug Powell, who is in charge of the jail administration, and Phil Heavilin, who is the Building and Grounds Superintendent. She also advised she told these individuals that she did not want the area to look like a concentration camp with razor wire on top. She wanted a fence that looked as pleasing as possible. Ms. McAvoy stated there are kids who walk through that parking lot and there are kids on skateboards who come through the parking lot where the sheriff department cars park and something is going to happen if the county does not contain its security issues. The county would not be good neighbors with the city if it did not take its security issue seriously. She further stated the fence material is not your typical metal chain link fence that will look like a concentration camp and it will not rust since it is vinyl covered. The county wants the fence to look nice and presentable but the county wants to do the best it can to make their business as safe and secure in the city as they possibly can.

Ms. McAvoy reviewed what the new security entrance at the old courthouse will look like and advised it will require a new addition on the south east corner of the courthouse. There will be a scanner, metal detector and a security officer in the new addition and every person going into the courthouse will go through that security personnel unless the person is a law enforcement person who is answering an emergency call. Mr. Sawyer asked what the timeframe would be. Ms. McAvoy advised as soon as the city tells the county it can begin. Scott Perrin advised within a week's time. Ms. Lawson stated the original proposal was to have the fence stick out nine feet in front of the jail but it has been cut back to four feet, which will be more eye pleasing. Ms. McAvoy stated Homeland Security is providing a lot of the funding for this project because security is a top priority. Councilperson Spring stated it was mentioned that there will be phases involved and asked if this project was the first phase. Ms. McAvoy advised yes. The fence around the county jail is the first project and renovations to the district courthouse and the Hoschner building will be done next and the circuit court building will be the last building to be renovated. Councilperson Spring asked if the Homeland Security funding would be lost if the county does not act on this soon. Lt. TerMeer advised Homeland Security has already purchased the metal detectors and an x-ray machine plus the Alpena County Airport donated an x-ray machine to the county. The county jail has purchased a portable metal detector, which can be placed in any doorway for people to walk through. He further advised Homeland Security want all critical infrastructures fenced and a jail and court buildings are considered critical infrastructures. Homeland Security will provide the fencing and proximity readers so all law enforcement agencies will have to use a proximity card to enter the parking lot and jail. He also advised security cameras will be installed in the circuit court building, Hoschner building and district court building. Councilperson Spring asked what other types of fencing was considered prior to ending up with a vinyl coated one. Lt. TerMeer advised a masonry type fence with columns every 20 foot that had metal fencing between the columns was looked at but due to the cost, a decision was made to go with the black vinyl fence. Ms. McAvoy advised the black vinyl fence looks so much better than a plain metal fence and would be little more eye pleasing. Councilperson Johnson asked what the fence will be secured to. Lt. TerMeer advised the fence will be attached to posts that will be set eight feet apart and 42 inches deep in cement and the gates will be connected to a heavier post. Councilperson Johnson stated every vehicle that will come through the gate will have to have an access card but she asked how the fire department and ambulance will get into the area. Ms. McAvoy advised Central Dispatch can override it to allow emergency vehicles to enter the area. She further advised the total cost of the security improvements will be \$250,000 and about \$30,000 of that money will be spent on the fencing. Mayor Corey stated the city council recognizes the need for security; however, as attractive as Ms. McAvoy may think the vinyl coated fence is, he thinks the fence will look hideous in the downtown area and when something like that is put up, it will look institutional. He further stated more greenbelt should be required to hide that fence and make the area more attractive. Mayor Corey advised Ms. McAvoy stated the Homeland Security funding will change within the next two years. Lt. TerMeer advised the funding will change in six months. Mayor Corey asked how he knew that. Lt. TerMeer advised the federal government has decided that instead of giving separate funds to each county, the monies will be put in regions and Shiawassee County is in District One, which includes Livingston, Gratiot, Clinton, Ingham, Eaton, Jackson, Lenawee and

Hillsdale counties. According to the head of the Michigan State Police EMD Division, the monies will be spent on high priority items. He further advised the first priority item is inoperable communication systems because they would like everybody to go with 700 or 800 MHz radios. Mayor Corey asked why the county has not pushed further and faster for video arraignments because the less transporting of prisoners back and forth, the better. Lt. TerMeer advised he was glad the mayor brought that up because the county is already hooked up for it but needs to be given the okay. He further advised the county wants to prevent the transfer of prisoners as much as possible. Mayor Corey asked if the video arraignment money was coming out of Homeland Security. Lt. TerMeer advised no, the money is coming from a grant from the MMRA. Mayor Corey asked if this would be appropriate use of the Homeland Security money. Lt. TerMeer advised yes but he cannot use any of that money unless it is cleared by Homeland Security. An equipment reimbursement request has to be typed up and Homeland Security has a list of specific equipment that can be purchased. Councilperson Spring asked if the Downtown Development Authority had a look at the fencing. Ms. Lawson advised no. Mayor Corey advised it is a council responsibility by ordinance. Councilperson Spring stated in the line of work that he does, he goes to a lot of other jails and he does not recall any jail that does not have a fence. Councilperson Johnson asked if some of the fences look like what is being proposed. Councilperson Spring advised some of them do but this is a difficult issue based on the fact that this is our community, it will be downtown and it is in an area that the council wants businesses to move in. He further advised it is about time there is a fence. Sheriff Wilson stated one area that has not been talked about is safety. In the spring, summer and fall there are a lot of kids that travel through the parking lot and some of the kids are on bikes or skate boards. He shudders every time someone goes flying out of his office on an emergency run because by the time they get the cruisers started and start backing up somebody might be behind one of the cruiser and this fence will prevent that problem. He further stated if there is some kind of emergency within the building, there is no safe holding area for the prisoners and this fence will provide a safe holding area until the prisoners can be moved to another building. He also stated a new jail facility will be needed before too many years and he hates to spend a lot of money on an expensive fence that will look great but will need to come down in a few years. Ms. McAvoy showed a picture of a hideous fence as opposed to the proposed hideous fence. She stated the city has a jail in the middle of the downtown that houses about 150 to 175 people per night and two-thirds of these people have already been convicted, but the issue is what can be done with public money at this time and place. The cost to put some greenery in front of the fence will be around \$6,000 to \$10,000 but the county is trying to utilize what is already there. She asked the council what they would like to see there and what kind of compromise it could recommend. Mayor Corey advised he would like to see something other than a visible chain link fence in the middle of town but he does not want to confuse the issue between security and looks. There is no question that security is needed there but he would like it to look as good as it can. Ms. McAvoy stated everyone knows there is a jail there nor can someone miss that the jail is there. Mayor Corey stated he knows that the jail is not ugly but he did not think a fence of that sort would enhance the fact that there is a jail there. If council wants to give permission to put a fence there that is fine, but it would be nice if the fence could be a little more decorative. He further stated he understands the cost of that type of fence and that is why he proposed an alternate that

might not cost as much and placing seven or eight foot tall shrubs to block the fence. Ms. McAvoy stated the county would be willing to look at putting some type of shrubbery in front of the fence to break up the area but that would eliminate some of the parallel parking spaces. Phil Heavilin explained in order to increase the size of the island to put in a fence, asphalt cuts will have to be done, new curbing will have to be placed to hold the dirt that is needed to put in the greenbelt, landscaping will have to be done and approximately eight parking spaces will be lost in addition to the four spaces inside the fence area plus two handicapped spaces just for appearance sake. Mayor Corey stated just for appearance sake it is a big deal to the city and the county. Councilperson Johnson stated she believes safety is number one but the city has a new bank coming in the downtown so the council needs to think about that too. Patrons will be going and out of that bank so if the county is willing to look into trying to help with safety by putting a fence up then the council needs to go for it. Ms. McAvoy stated she cannot say that a chain link fence is beautiful and Mr. Sawyer knows this is not what she wanted. She wanted the streetscape type fence but she cannot have what she wants because she cannot afford what she wants. The city and county need to look at what is the best solution for the amount of money the county has to deal with the issue it has. She advised the county has not made any type of official movement towards what it will do in the future with the jail facility but the county has no plan to leave the circuit court building because it will always be the center of government in Shiawassee County. Councilperson Jessen stated he agrees that there is a security issue and although the fence may not be the best fence, he cannot see anybody coming out of the new bank asking people if they have seen the fence around the jail. Johnson moved, Mehigh seconded to approve the fencing site plan for the county jail.

Roll call vote:

Yes: Jessen, Spring, Johnson, Hall, Mehigh.

No: Wagner.

Motion CARRIED

CONSIDER POLC MERS RESOLUTION 1219105-01: Johnson moved, Wagner seconded to approve the following MERS Resolution 121905-01:

RESOLUTION 121905-01

MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM OF MICHIGAN RESOLUTION FOR CHANGING MERS BENEFITS FOR DIVISION 2

In accordance with the MERS Plan Document of 1996, the City of Corunna Municipality Number 7604 adopts the following benefits for Division 2 (Police):

A "division" is defined as an employee or group of employees covered by the same benefit programs and the same employee contribution program. Each division has a specific MERS number and name, such as "Div. 10, General-Admin.," and is part of a Reporting Unit, such as: "01."

Supporting Supplemental Valuation is dated November 7, 2005.

Additional Benefits Affecting Future Retirees: FAC-3, RS-50%, E-2 effective date January 1, 2006 as listed in Section 34.0 of the police contract language as follows: The Employer agrees to continue assumption of 100% of the cost involved in maintaining the Municipal Employees Retirement System Plan B-3 with F-50 rider (with 25 years of service) and for the two (2) current officers in the bargaining unit with the addition of the FAC-3, E-2 and RS-50 Riders. New employees hired into the bargaining unit shall be covered under the MERS B-2 Plan with V-10, and riders E-1, FAC-5, and F-55/25.

Roll call vote:

Yes: Hall, Jessen, Mehig, Johnson, Wagner, Spring.

No: None.

Motion CARRIED

CALL TO AUDIENCE: Ms. McAvoy thanked the city council for their vote and consideration. She advised the county continues to look forward to working with the city on all of their projects and they welcome the city council's input.

Jerry Walden stated security has been a major issue for a number of years and he became more interested in it after coming out of the new library building with his grandson last summer. His grandson asked who that guy was with those two police officers. He realized the beautiful library was right next door to the jail so security became a major issue for him at that time. Mr. Walden further stated there are some concerns within the county about some federal funding going to the federal court and if that funding goes through, the county could lose up to 34 percent of its administrative funding for the Friend of the Court. He also stated there is a state house bill being presented in Lansing that will effectively eliminate all zoning so there is some concern there. Basically, if someone has a zoning violation, the person would only have to pay a \$500.00 fine and keep the violation there. The county is watching these two things very closely because this should be a great concern to all of us. Mr. Walden thanked Ms. Washburn on another wonderful Festival of Trees and Parade of Lights and advised his grandkids had a great time meeting Santa. Mayor Corey asked if the Board of Commissioners did a resolution opposing the legislation regarding the \$500.00 fine. Mr. Walden advised no, but the county has contacted its state representatives.

ROUNDTABLE DISCUSSION: Councilperson Hall advised she had nothing to discuss.

Councilperson Wagner advised he had nothing to discuss.

Councilperson Johnson advised it was brought to her attention that people are parking in front of the fire department at the library. Corunna-Caledonia Fire Department has the only aerial truck in the county but the firemen do not have the accessibility to park their own vehicles there. Mr. Sawyer advised there cannot be a problem if no one has reported it to him. Mayor Corey advised somebody is right now. Councilperson Johnson stated there was a problem between the librarian and the fire chief with nasty messages being left on a phone. Mr. Sawyer advised he would talk with the fire chief to find out why he is not

communicating with his boss.

Councilperson Spring advised Mr. Sawyer still cannot spell the word “appointment” right. Mr. Sawyer advised eventually the forms will be used up but council knows how paper conscience he is.

Councilperson Jessen advised he had nothing to discuss.

Councilperson Mehigh advised he had nothing to discuss.

Mayor Corey advised there will be another blood drive on December 28 at the Red Cross starting at 8 a.m. He asked if it was acceptable to allow employees to give blood and council advised it would be great. He thanked everyone who was involved with the city party this year because it turned out exceptional.

ADJOURN: Jessen moved, Mehigh seconded to adjourn.

Roll call vote:

Yes: Wagner, Hall, Mehigh, Spring, Johnson, Jessen.

No: None.

Motion CARRIED Time was 8:15 p.m.

STEVE COREY, MAYOR

NICHOLE COWDREY, CITY CLERK/TREASURER